

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:

Moore, N. J. *et al.*

Atty. Docket No.: **ISA-099.01**

Application No.: 09/458,998

Confirmation No.: 9562

Filed: December 10, 1999

Art Unit: 1645

Title: *ELA for Monitoring Legionella Pneumophila
Presence in Water Samples*

Examiner: Hines, Jana A.

Mail Stop: Appeals
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Dear Sir/Madam:

Applicants assert that a continuation application is being filed in lieu of a response to the Notification of Non-Compliant Appeal Brief, mailed from the U.S. Patent and Trademark Office on December 12, 2006; however, the Commissioner is hereby authorized to charge the amount of \$2,160.00 for a five-month extension of time to our **Deposit Account 06-1448, Ref. No. ISA-099.01** in response to the Notification, and to credit any overpayment, or charge any further fees, to the same Deposit Account.

Respectfully submitted,
FOLEY HOAG LLP

Date: June 12, 2007

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